

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

No. 2:17-cv-01485-PHX-DGC

**FIRST AMENDED MASTER
SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY**

Plaintiff(s) named below, for their Complaint against the Defendants named below,
incorporate the Master Complaint in MDL No. 2641 by reference (Document 364). Plaintiff(s)
further show the court as follows:

1. Plaintiff/Deceased Party:

Paso Harrison.

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium
claim:

Not applicable.

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

Not applicable.

4. Plaintiff/s/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
time of implant:

California.

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

California.

6. Plaintiff's current states [if more than one Plaintiff] of residence:

California.

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court, Eastern District of California

8. Defendants (Check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

- a. Other allegations of jurisdiction and value not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(S) about which Plaintiff(s) is making a claim:

(Check applicable Inferior Vena Cava Filters):

☐ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

☐ G2® Express (G2® X) Vena Cava Filter

- ☐ G2® X Vena Cava Filter
 - ☐ Eclipse® Vena Cava Filter
 - X Meridian® Vena Cava Filter
 - ☐ Denali® Vena Cava Filter
 - ☐ Other:
-

11. Date of Implantation as to each product:

August 22, 2012

12. Counts in the Master complaint brought by Plaintiff(s):

- X Count I: Strict Products Liability – Manufacturing Defect
- X Count II: Strict Products Liability – Information Defect (Failure to Warn)
- X Count III: Strict Products Liability – Design Defect
- X Count IV: Negligence - Design
- X Count V: Negligence – Manufacture
- X Count VI: Negligence – Failure to Recall/Retrofit
- X Count VII: Negligence – Failure to Warn
- X Count VIII: Negligent Misrepresentation
- X Count IX: Negligence *Per Se*
- X Count X: Breach of Express Warranty
- X Count XI: Breach of Implied Warranty
- X Count XII: Fraudulent Misrepresentation

X Count XIII: Fraudulent Concealment

X Count XIV: Violations of Applicable California Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

X Punitive Damages

☐ Other(s): N/A

☐ Other: N/A

13. Jury Trial demanded for all issues so triable?

X Yes

☐ No

RESPECTFULLY SUBMITTED this 19th day of May 2017.

/s/ Thomas T. Merrigan
Attorney for Plaintiff(s)

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I hereby certify that on this 19th day of May, 2017, I electronically transmitted the attached document to the Clerk's office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Thomas T. Merrigan